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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,992	01/14/2004	Michel Pompei	033339/273193	3725

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EXAMINER

WATKINS III, WILLIAM P

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/756,992

Applicant(s)

POMPEI, MICHEL

Examiner

William P. Watkins III

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1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The rejections under 35 U.S.C. 112 given in section 2 of the detailed portion of the office action mailed 27 July 2005 is withdrawn in view of applicant's amendments to the claims filed 07 November 2005.

2. The rejections under 35 U.S.C. 102(b) and 103 using Yamamoto et al. in sections 3 and 5 of the office action mailed 27 July 2005 is withdrawn in view of applicant's argument that the reference does not teach the claimed specific gravity.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodiyalam et al. (U.S. 5,473,122) in view of Sedlak et al. (U.S. 3,515,625).

Kodiyalam et al. teach use of a sound absorbing polymer in the form of a plate of sheet that is on a base structure that vibrates that also is around an opening that contains a fixing member (abstract, Figure 1). Sedlak et al. teaches a synthetic elastomer that has a high level of a very dense filler such as tungsten or lead that has a low modulus and is used for sound and vibration absorption (col. 2, lines 15-20 and col. 7, lines 35-65). The instant invention claims a sound absorbing polymer with dense filler and a low modulus and is formed into a plate that is joined onto a frame or base and surrounds a fastening opening. It would have been obvious to one of ordinary skill in the art to have used a polymer with a dense filler and low modulus on the base frame of Kodiyalam et al. in order to provide good vibration dampening because of the teachings of Sedlak et al.

5. Claims 1-5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Writ (U.S. 4,667,768) in view of Sedlak et al. (U.S. 3,515,625).

Writ teaches a honeycomb with an impermeable filler in some of the cavities that can be made of plastic in order to absorb sound (abstract, col. 32, lines 20-45). Sedlak et al. teaches a

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synthetic elastomer that has a high level of a very dense filler such as tungsten or lead that has a low modulus and is used for sound and vibration absorption (col. 2, lines 15-20 and col. 7, lines 35-65). The instant invention claims a sound absorbing polymer with a dense filler and a low modulus that is used to fill spaces in a honeycomb and absorb sound. It would have been obvious to one of ordinary skill in the art in order to have used an elastic space filler with a high level of dense filler that has a low modulus in order to better absorb and block sound because of the teachings of Sedlak et al.

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show various sound absorbing polymer systems with dense fillers.

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8. The examiner notes that a 892 form was attached to the office action mailed 27 July 2005 even though the box on the cover sheet was not checked.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM P. WATKINS III
PRIMARY EXAMINER

WW/ww

January 23, 2006